

Amend Sections 150, 150.01, and 150.03 and  
Add Section 150.05  
Title 14, California Code of Regulations  
Re: Nearshore Fishery Restricted Access Program

rockfish (*Sebastes rastrelliger*), kelp greenling (*Hexagrammos decagrammus*), kelp rockfish (*Sebastes atrovirens*), and rock greenling (*Hexagrammos lagocephalus*). Fish and Game Code Section 8587.1 delegates to the Commission the authority to regulate the commercial harvest of nearshore fishes, including those currently requiring a permit (the nine species listed above) under Fish and Game Code Section 8587.

A \$125 non-restrictive Nearshore Fishery Permit has been required since 1999 to take any of the permitted nearshore species. In 1999, a moratorium was placed on the issuance of new permits pending development of a restricted access program. Proof of a valid permit is required to renew each year. As a result of Commission action in 2001, only fishermen with landings totaling at least 100 pounds of nearshore fish stocks were eligible to renew their Nearshore Fishery Permits for the 2002-2003 season. In addition a control date of December 31, 1999 for participation and October 20, 2000 for gear endorsement were adopted by the Commission.

Additional regulations govern the use of traps in the nearshore fishery north and south of Point Arguello. In southern California (south of Point Arguello), a limited entry finfish trap fishery was instituted in 1996 through legislation at the industry's request. The \$110 finfish trap permit requires proof of finfish landings totaling a minimum of 50 pounds to renew each year. North of Point Arguello, a \$35 general trap permit is required to use traps.

In 2000, an additional nine species were added to the definition of nearshore fish. The additional species do not require a permit and have no size limits. Regulations have set a control dates for participation and gear endorsements that are the same as for the permitted species. While some of these other nearshore species are landed live, many are part of the fresh (dead) fish fishery. These factors and others led to the Department's decision to develop the nearshore restricted access program for only the nine nearshore species that require a permit. Should it become necessary to limit participation in this segment of the nearshore fishery, a separate restricted access program would be developed with its own qualifying criteria based on the control dates.

The live fish fishery began in southern California in the late 1980s, and gradually extended to the north as markets developed and fishermen were attracted by relatively high ex-vessel prices. Besides differences in history, the fishery in different regions of the coast reflect differences in target species and gear. Common types of gear are trap, rod and reel, and stick gear. Overall, landings quadrupled between 1989 and 1998,

although the trend for individual species varies, with several declining in later years. The number of participants in this fishery also increased during this period.

In 2001, time and area closures for the nearshore fishery were implemented. Even with these closures, the allowable catch for cabezon, California sheephead, and greenlings was exceeded and the fisheries closed before the end of the fishing year. The 2002 cabezon and greenling fisheries have already closed and we anticipate that the sheephead fishery will again close early in 2002. This is an indication that this fishery is being overcapitalized.

Many of the nearshore permittees fish only part-time for these species, focusing on other fisheries (e.g., salmon, crab, lobster, sea urchins, groundfish) when available. Changes in regulations, limiting access in open access fisheries, or further limiting access in already restricted access fisheries may increase effort in the nearshore and exacerbate the potential for over-harvest in this fishery.

The Commission's policy regarding restricted access commercial fisheries states "The Commission and the Department may use restricted access programs as one of a number of tools to conserve and manage fisheries as a public trust resource." One of the stated purposes of developing restricted access programs is to promote sustainable fisheries.

The Commission's policy on restricted access states that "Restricted access programs shall be developed with substantial involvement of participants in the affected fishery and others..." The Department met with the Nearshore Advisory Committee several times to develop the Nearshore Fishery Management Plan (NFMP) which incorporates restricted access as one element of the preferred management measures to ensure a sustainable fishery. Additionally, the Department met with small groups of fishermen in different ports throughout the state in the fall of 2001. The purpose of these meetings was to learn about fishery practices in each area, what characteristics of the fishery the participants want to preserve, and what type of restricted access program they would like to see in their area. The results of these meetings, as well as the Department's analysis of landings and other information, helped to form the basis for developing restricted access options for each region.

In March 2002, six public meetings were held from Eureka (Humboldt County) to Dana Point (Orange County) to present these options. Attendees broke out into smaller groups to discuss the options.

These meetings were held, in part, to insure that the rule making process would be in compliance with Section 7059, Fish and Game Code.

The Department met internally to discuss the developing restricted access program and to review the program and its regulatory proposals. The proposals are a result of the many meetings held with fishery participants and Nearshore Advisory Committee members, as well as communications with industry representatives.

The proposed regulatory changes are needed to ensure a biologically sustainable and economically viable nearshore fishery and to control future increases in effort. Although the number of Nearshore Fishery Permits has decreased from over 1,100 in 1999 to under 600 in 2002, there is still too much potential effort to make this fishery sustainable over the long-term. The almost 600 permittees could potentially take three times the allowable catch for these species based on their average landings. Therefore, it is necessary to reduce the number of permits to ensure a sustainable fishery for the future.

The Department recognizes that merely reducing the numbers of fishery participants will not guarantee that long-term harvest capacity goals will be met. Consequently, these proposed regulations are intended as a first phase of a nearshore management policy, that ultimately may move toward individual quota based fishery management. This long-term management objective will ensure fishing capacity that is matched to allowable harvest levels, long-term economic viability, and biological sustainability.

#### Initial Permit Issuance

In order to align the fleet's fishing capacity with available harvest allocations or quotas, the number of participants in the fishery must be significantly reduced. The qualifying criteria should reflect the level of investment that individual permittees have made in the fishery as expressed through years and level of participation, as well as the contribution of the fishery to California's economy, as expressed by ex-vessel prices.

Options for qualifying criteria reflect regional aspects of the fishery, such as years of participation and high value of landings. In recognition of these differences, separate qualifying criteria and capacity goals were developed for each of the three or four regions proposed within the NFMP. These criteria include landings during 1994 - 1999, ex-vessel prices, years of participation, and current participation. A qualifying time period from January 1, 1994 through December 31, 1999 was chosen to

reflect recent participation. The start date coincides with the implementation of the new scannable landing receipt system which utilizes more single-species market categories (i.e., gopher rockfish, kelp rockfish) rather than group market categories (i.e., group unspecified rockfish). Section 150, Title 14, CCR, states that the control date is December 31, 1999 and that to be included in the nearshore fishery restricted access program, a person has to have participated in the nearshore fishery prior to that date.

The Department has analyzed the dynamics of the fishery using ranges for several of the qualifying criteria, such as years of participation, or average ex-vessel prices. Depending on which of these criteria are applied to the history of individual permittees, the number of qualifying individuals varies. The number of qualifying individuals ranges between 2 and 35 in the North Coast Region, between 32 and 212 in the Central Coast Region (4 - 73 North-Central Coast and 28 - 139 South-Central Coast) and between 13 and 215 in the South Coast Region (Tables 1 - 5, attached).

The draft NFMP has different options for regional management of the nearshore fishery with one to four regions proposed. The Department's preferred alternative is three regions, although four regions has also been discussed. Since regional management has not formally been adopted, within this regulatory package there are options for both three and four region management. The proposed boundaries for three regions are: North Coast Region - Oregon border to Cape Mendocino, Central Coast Region - Cape Mendocino to Point Conception, South Coast Region - Point Conception to the California/Mexico border. The proposed boundaries for four regions are: North Coast Region - Oregon border to Cape Mendocino, North-Central Coast Region - Cape Mendocino to Point Año Nuevo, South-Central Region - Point Año Nuevo to Point Conception, South Coast Region - Point Conception to the California/Mexico border.

Many nearshore permittees have fished in more than one region during the qualifying period of 1994 - 1999. However, most participants fish primarily in one region. Two options have been proposed for regional qualification. The first option limits the regional Nearshore Fishery Permits to one per person; should someone qualify for a permit in more than one regional management area, they would have to make a permanent decision to fish in one region. The second option allows for more than one permit should the permittee qualify for a permit based on participation in each regional management area.

### Provisions for 20-year California Commercial Fishermen

Fish and Game Code Section 8101 (grandfather clause) allows 20-year California commercial fishing license holders to qualify for a new limited entry program during the first year of the program. This section also allows other qualifying criteria to be established. In addition to proof that the applicant has been a licensed commercial fisherman in California for at least 20 years, the Department proposes two options for qualifying time period. The first is one year during any of the permitted years and the second is during the same 1994 - 1999 time period used for qualifying for a transferable permit to show evidence of recent participation. Qualifying criteria would be based on minimum landing levels and is specific to the region.

### Gear Endorsements

Gear endorsements provide a way to limit effort by allowing only those permittees with the endorsement to use a certain gear type. Since some gears are more efficient than others, limiting use of these more efficient gears spreads out effort over both time and participants. Additionally, certain gears may take more non-target species than others, and limiting the use of non-selective gears can reduce the take of these incidental species.

Most nearshore fishermen use hook-and-line gear to target nearshore fish stocks, although traps are used in the South-Central and South Coast Regions. One of the goals of the nearshore fishery restricted access program is to incorporate the finfish trap fishery into the nearshore restricted access program. Trawl gear and gillnets, with few exceptions, are limited to the waters outside of three miles, and do not target nearshore fish stocks. For these reasons, the restricted access program presented here proposes requiring that permittees under the program obtain an endorsement for the use of gear other than hook-and-line.

With this in mind, the current proposal includes options for gear endorsements that would allow for the use of trap or trawl gear in areas where fishermen traditionally used these gear types. Permittees would be eligible for these endorsements based on their historical use of these gear types. The time period for qualifying is January 1, 1994 through December 20, 2000, the control date for a gear endorsement program as defined in Section 150.03, Title 14, CCR. In southern California, where there has been a limited entry trap fishery, possession of a valid Finfish Trap permit would be required and possibly other qualifying criteria for obtaining a gear endorsement for traps. In central and northern California, possession of a general trap permit and proof that the majority of landings of nearshore fish stocks were made using trap gear may be

required. In southern California, some permittees use trawl gear. An option for a trawl gear endorsement would require that the majority of landings of nearshore fish stocks were made using trawl gear.

#### Bycatch Permits

The take of nearshore fish stocks occurs incidentally in trawl and gillnet operations. Some fishermen purchased Nearshore Fishery Permits to allow them to land the small amount of nearshore fish stocks that they catch while using trawl or gillnet gear. Provisions have been made to allow this incidental catch to be landed, within either day or trip limits, by those who have held a Nearshore Fishery Permit under the current moratorium and use trawl or gillnet gear.

#### Capacity Goal

The Commission's restricted access policy states that "Each restricted access program that is not based on harvest rights shall have a capacity goal." Capacity goals can be expressed in a variety of ways, including the number of participants or vessels, the amount of gear used in the fishery, or physical characteristics of a fishing fleet. The Department has developed a range of capacity goals based on the qualifying criteria described previously. Since the Nearshore Fishery Permit is issued to an individual, the Department proposes that the capacity be the number of permits and be based on each permittee's landings. The upper bound for the capacity goal would be based on the sum of each permittee's average landings between 1994 and 1999. The lower bound would be based on the sum of each permittees's maximum landings during a one-year period between 1994 and 1999.

The process for determining possible capacity goals was as follows. All current permittees in a regional management area were screened against several combinations of qualifying criteria. Those who qualified under these criteria then were ranked in descending order on the qualifying criteria and then on their maximum or average annual landings. Then the average or maximum annual landings of individual qualifying permittees were summed cumulatively until the total reached the estimated annual commercial allotment or quota for the regional management area. The number of permits it took to reach the annual regional commercial allotment became the capacity goal.

In the North Coast Region, the capacity goal ranged from 4 to 14 permits. The capacity goal for the Central Coast Region was between 9 and 39 permits (3 - 14 North-Central Coast and 6 - 25 South-Central Coast), while the capacity goal for the South Coast Region was between 5 and 45 permits. Because the regional commercial allotments are estimates

based on the statewide total allowable catch for 2001, it is suggested that the capacity goal determinations be reviewed after the NFMP has been adopted and regional commercial allotments developed.

#### Permit Transferability

The Commission's restricted access policy says that restricted access programs not based on harvest rights shall have an equitable, practical, and enforceable system for reducing fishing capacity when the fishery is above the capacity goal and for increasing fishing capacity should the fishery be below the capacity goal. Transferability of permits under a two-for-one or three-for-one permit transfer system can be used as part of the mechanism to reach the capacity goal by reducing the number of permits on the water. In addition, permit transfer systems are a way to allow new entrants into the fishery and to protect part of an individual's investment in the fishery. Since many of the qualifying criteria options yield a greater number of permits than the capacity goal, two options are proposed to use transferability as a mechanism to reach the capacity goal.

The first option is a two-year moratorium on transferability to allow the number of permits to stabilize, some attrition to occur and to allow fishermen to determine the value of their permit. This moratorium would be followed by a permit transfer system, where a new entrant would have to purchase two or three existing Nearshore Fishery Permits for the same regional management area and retire all but one of them. This type of permit transfer removes effort by taking one or two permits off the water, while still allowing new entrants into the fishery. The second option is immediate transferability using a two-for-one or three-for-one permit transfer system.

#### Permit Fees

The Department proposes a range of annual fees from \$125 to \$1200 for each transferable Nearshore Fishery Permit. For non-transferable Nearshore Fishery Permits, the range of annual fees is from \$125 to \$1200. Transfer fees range from \$250 to \$1000 for each transfer. The Department proposes a range of annual fees from \$30 to \$75 for each gear endorsement or gear endorsement transfer. The annual fees for Nearshore Bycatch Permits range from \$50 - \$250.

- (b) Authority and Reference Sections from Fish and Game Code for Regulation:

Authority: Section 8587.1, Fish and Game Code.



Reference: Section(s) 7850, 8043, 8046, 8102, 8496, 8587, 8587.1, 8588, 8589.5, 8589.7 and 9025 - 9029.5, Fish and Game Code.

(c) Specific Technology or Equipment Required by Regulatory Change:  
None.

(d) Identification of Reports or Documents Supporting Regulation Change:  
  
Nearshore Fishery Management Plan. May 9, 2002.

(e) Public Discussions of Proposed Regulations Prior to Notice Publication:

Nearshore Advisory Committee Meetings. These meetings focused on all aspects of the NFMP, including restricted access.

January 25, 2001. Los Alamitos  
March 29 - 30, 2001. Oakland  
May 23 - 24, 2001. Los Alamitos  
July 12 - 13, 2001. Oakland  
September 20 - 21, 2001. San Diego

Nearshore Fishery Management Plan public meetings. These meetings focused on all aspects of the NFMP, including restricted access.

February 7, 2001. Santa Rosa  
February 10, 2001. Monterey  
February 13, 2001. Long Beach  
April 4, 2001. Oakland  
September 5, 2001. Morro Bay  
September 19, 2001. Oakland  
September 29, 2001. Eureka  
October 2, 2001. Long Beach  
October 3, 2001. San Diego

Small group meetings with fishermen. These meetings focused on commercial fishing activities and how best to develop a nearshore restricted access program.

October 20, 2001. San Diego  
October 25, 2001. Monterey  
November 3, 2001. Crescent City  
November 4, 2001. Fort Bragg  
November 5, 2001. Eureka  
November 20, 2001. Port San Luis

December 4, 2001. Los Alamitos

Nearshore Restricted Access public meetings. These meetings focused on presenting and receiving feedback on different options for restricted access programs.

March 15, 2002. Eureka

March 19, 2002. Morro Bay

March 21, 2002. Ventura

March 23, 2002. Dana Point

March 25, 2002. Oakland

March 27, 2002. Monterey

#### IV. Description of Reasonable Alternatives to Regulatory Action:

##### (a) Alternatives to Regulation Change:

The Department has presented a broad range of options for the Commission's consideration. An alternative was considered extending the qualifying time period back in time, which could increase the number of eligible participants. However, prior to 1994 the landing receipts were significantly different and few rockfish were landed as individual species. Most were landed in "group rockfish" categories (group red, group small). The advent of scannable landing receipts represents an increase in the accurate reporting of rockfish landings by species. This alternative was rejected because it would be difficult to determine historical participation using a time period that spans both the scannable and non-scannable landing receipt system.

An alternative was considered to develop qualifying criteria for the Central Coast Region as a whole; this yields about the same number of qualifying individuals. However, the vast majority of participants would be from the southern end of that region. Considering the territorial nature of some nearshore species (i.e., cabezon) it is better to spread effort out over the region to avoid localized depletion of nearshore fishery resources. This alternative was rejected in favor of splitting the region when developing qualifying criteria in order to spread the fishing effort throughout the region.

##### (b) No Change Alternative:

If a nearshore restricted access program is not adopted, the number of Nearshore Fishery Permits will slowly decrease as long as the moratorium

on the issuance of new permits remains in place. However, the fishery is far overcapitalized as evidenced by the need for time and area closures to extend the season throughout the year, as well as the early closures for cabezon, California sheephead and greenlings in 2001 and realized or projected for 2002. Based on average landings, the current nearshore permittees have the fishing potential to harvest three times the annual commercial allotment. Without additional regulations such as severe time and area closures and gear restrictions, the fishery would not be sustainable. However, these restrictions place economic hardships on the fishermen and threaten the economic viability of the fishery.

Additionally, the limited entry finfish trap fishery program is due to sunset on April 1, 2005 (Fish and Game Code Section 9001.6 (d)). If the nearshore restricted access program is not in place by the sunset date or that date is not changed, the use of finfish traps in southern California will be open to anyone with a general trap permit. This would create an impact to the resource such that it would not be sustainable.

(c) Consideration of Alternatives:

In view of information currently possessed, no reasonable alternative considered would be more effective in carrying out the purposes for which the regulation is proposed or would be as effective and less burdensome to the affected private persons than the proposed regulation.

V. Mitigation Measures Required by Regulatory Action:

The proposed regulatory action will have no negative impact on the environment; therefore, no mitigation measures are needed.

VI. Impact of Regulatory Action:

The potential for significant statewide adverse economic impacts resulting from the proposed regulatory action has been assessed, and the following initial determinations relative to the required statutory categories have been made:

(a) Significant Statewide Adverse Economic Impact Directly Affecting Businesses, Including the Ability of California Businesses to Compete with Businesses in Other States:

The proposed action may have a significant statewide adverse economic

impact on businesses, including the ability of California business to compete with businesses in other states. Each permittee, buyer and processor is considered a small business. The proposed nearshore restricted access program would cause some fishermen who have participated in the past on a limited or sporadic level to lose some potential income. Based on year 2000 commercial fish landings, the proposed regulations could have a negative economic impact of \$562,963 to \$3,536,961 (expressed in year 2001 dollars) depending on the options chosen. These projections take into account the effect of the commercial landings as they move through the local economies, causing a ripple effect in output demand.

- (b) Impact on the Creation or Elimination of Jobs Within the State, the Creation of New Businesses or the Elimination of Existing Businesses, or the Expansion of Businesses in California:

The proposed action is expected to eliminate some jobs in commercial fishing.

- (c) Cost Impacts on a Representative Private Person or Business:

The proposed nearshore restricted access program would cause some fishermen who have participated in the past on a limited or sporadic level to lose some potential income.

- (d) Costs or Savings to State Agencies or Costs/Savings in Federal Funding to the State: None.

- (e) Nondiscretionary Costs/Savings to Local Agencies: None.

- (f) Programs mandated on Local Agencies or School Districts: None.

- (g) Costs Imposed on Any Local Agency or School District that is Required to be Reimbursed Under Part 7 (commencing with Section 17500) of Division 4: None.

(h) Effect on Housing Costs: None.

## Informative Digestive/Policy Statement Overview

Current regulations establish a Nearshore Fishery Permit for the take of the following nearshore fish species: cabezon, California scorpionfish, California sheephead, kelp and rock greenling, black-and-yellow rockfish, China rockfish, gopher rockfish, grass rockfish, and kelp rockfish; and a moratorium on the issuance of new permits. For the purpose of developing a restricted access program for this fishery control dates of December 31, 1999 for participation and October 20, 2000 for gear endorsements are also established.

The proposed regulatory changes would establish a restricted access program for the nearshore species listed above. The proposed restricted access program would be individual-based, with transferable and non-transferable permits. The allowable gears would be restricted to line gears unless the permittee qualifies for an endorsement of another gear type. Other proposed regulations would establish methods of transferability, initial application and renewal deadlines, an appeal process for the denial of a permit application, renewal or transfer, and fees for a permit and permit transfers. A permit for incidental take in other fisheries, as well as day or trip limits are also proposed.

The Department has developed options for three or four regional management areas. In the three region option the North Coast Region would extend from the California/Oregon border to Cape Mendocino; the Central Coast Region from Cape Mendocino to [Point Arguello or Point Conception]; and the South Coast Region from [Point Arguello or Point Conception] to the California/Mexico border. The four region option splits the Central Coast Region at Point Año Nuevo into a North-Central Coast Region and a South-Central Coast Region.

The options for a transferable permit in a regional management area require the possession of a 2002-2003 Nearshore Fishery Permit and qualifying landings in that specific regional management area. The proposed qualifying landing period is January 1, 1994 through December 31, 1999. Options for additional qualifying criteria include number of years with a minimum level of landings (ranging from 100 to 1,000 pounds of nearshore landings in each of 1 to 3 years), the value of qualifying landings calculated as a minimum average price per pound (ranging from \$0.01 to \$3.50 per pound), recent participation in the fishery (at least one landing in either 2000 or 2001), and years of participation (ranging from 1 to 6 years with at least one nearshore landing).

The proposed non-transferable permit in a management area requires that the fisherman have been a licensed commercial fisherman in California for 20 years and have qualifying landings in that specific management area in either any one of those license years or one of the years between 1994 and 1999.

A range of capacity goals (the desired number of permits) is proposed for each

management area for transferable permits. The non-transferable permits satisfy the provisions of Fish and Game Code Section 8101 (grandfather clause) and contribute to attrition.

- North Coast Region: 4-14 transferable permits
- Central Coast Region: 9-40 transferable permits
- South Coast Region: 5-45 transferable permits

Under the four region option the proposed capacity goals are:

- North Coast Region: 4-14 transferable permits
- North-Central Coast Region: 3-15 transferable permits
- South-Central Coast Region: 6-25 transferable permits
- South Coast Region: 5-45 transferable permits

There are two proposed options for transferability. Under the moratorium option no permits could be transferred for the first two years of the program. If, after two years, the number of permits in any regional management area still exceeds the capacity goal, a permit transfer system would be utilized. A permit transfer system requires a person to purchase two or three permits, retiring all but one which the person receives. If the person wants to fish with trap or trawl gear, at least one of the permits purchased has to have the appropriate gear endorsement. When the number of permits drops below the capacity goal in any region, the individual with an active, non-transferable Nearshore Fishery Permit and the greatest number of landings in the 6 year qualifying period would receive a permit and his non-transferable permit would be retired. When all non-transferable permits in a region are retired, permit transfers would be allowed to any qualified fisherman.

The proposed regulations would permit the estate of a deceased permittee to apply, via notarized letter within one year of the permittee's death, to keep the Nearshore Fishery Permit only for the purpose of transferring the permit. The provisions of transferability as described above would apply to these transfers also. It is proposed that transfer of the permit to a partner or immediate family member would not require the purchase of multiple permits.

This program proposes limiting the allowable gear to hook-and-line gear. The use of traps or trawl gear would require a gear endorsement attached to the permit. Qualifying criteria for a trap endorsement includes possession of a general trap permit or finfish trap permit and may include other criteria such as the majority of landings were made with trap gear or years with a minimum level of landings, the value of landings, recent participation in the fishery, and years of participation. Qualifying criteria for a trawl endorsement include that the majority of landings were made with trawl gear.

Regional Nearshore Fishery Permits are proposed to be renewed annually. For transferable Nearshore Fishery Permits the proposed range of fees is from \$125 to

\$1200. The proposed fee for non-transferable Nearshore Fishery Permits is from \$125 to \$1200. Proposed transfer fees range from \$250 to \$1000. The proposed fee for a gear endorsement or transfer of a gear endorsement ranges from \$30 to \$75. The proposed fee for a Nearshore Fishery Bycatch Permit ranges from \$50 to \$250.

Under the proposed regulations, applications for initial issuance of a Nearshore Fishery Permit must be received by the Department, or, if mailed, postmarked, on or before June 30, 2003. Applications for initial issuance of a Nearshore Fishery Permit received July 1 through July 31, 2003 shall be considered late and will be assessed a \$50 late fee. Applications received after July 31, 2003 will not be considered.

Under the proposed regulations, applications for renewal of a Nearshore Fishery Permit must be received by the Department, or, if mailed, postmarked, on or before April 30 of each year. Applications for permit renewal of a Nearshore Fishery Permit received May 1 through May 31 shall be considered late and will be assessed a \$50 late fee. Applications received after May 31 not be considered, and the permit shall be cancelled and shall no longer be eligible for renewal in subsequent years.

The proposed nearshore fishery permit shall be revoked: a) if the person fails to renew the permit annually or renew his or her commercial fishing license issued pursuant to Fish and Game Code Section 7852; or b) for violation of any fish and game regulation pertaining to the take of nearshore species or violation of the terms or conditions of the permit.

The proposed regulations would provide that any applicant who is denied initial issuance, renewal, or transfer of a nearshore fishery permit or gear endorsement may appeal that denial to the Department in writing describing the basis for the appeal. If the Department denies the appeal, an appeal may be made to the Commission.

The regulations propose that at least one Nearshore Fishery Permit holder shall be on board the vessel when taking, possessing or landing nearshore fish stocks. If a support vessel is used, one permit holder shall be on each vessel.

The proposed regulations would provide that no person may take or land nearshore fish stocks on board a boat without either a Nearshore Fishery Permit or Nearshore Fishery Bycatch Permit. Eligibility for a Nearshore Fishery Bycatch Permit would require possession of a 2002-2003 Nearshore Fishery Permit, and that the person is not eligible, based on the qualifying criteria, for a 2003-2004 Nearshore Fishery Permit or is eligible but unwilling to convert to the allowable gear. It is proposed that only gear allowed under the Nearshore Fishery Bycatch Permit would be trawl or gill nets. Additionally, day or trip limits ranging from 1 to 100 pounds have been proposed.



## Qualifying Criteria Matrices.

Table 1. North Coast Region Nearshore Fishery Permit Qualifying Criteria Options.

Number of potential participants: 50

Potential catch of the 50 participants, based on average annual landings: 26,800 pounds

Estimated commercial allotment for the North Coast Region: 13,600 pounds.

Capacity goal range: 4 - 14 permits

All options include at least one landing in 2000 or 2001.

Average price per pound	Years with 100 nearshore pounds landed, 1994 - 1999				Years with 250 nearshore pounds landed, 1994 - 1999			Years with 500 nearshore pounds landed, 1994 - 1999		
	0	1	2	3	1	2	3	1	2	3
\$0.00	35	24	13	6	22	10	4	12	7	3
	16,600	16,300	13,300	8,600	16,000	11,900	8,300	13,600	10,800	7,700
\$1.50	22	20	12	6	19	9	4	12	7	3
	15,400	15,300	13,000	8,600	15,300	11,600	8,300	13,600	10,800	7,700
\$2.00	18	16	11	6	15	9	4	11	7	3
	14,300	14,200	12,600	8,600	14,200	11,600	8,300	13,200	10,800	7,700

Example: Choosing criteria for the North Coast Region that includes 2 years with 100 pounds of nearshore species landed each year between 1994 and 1999, an average price per pound of \$1.50, and at least one landing in 2000 or 2001 yields 20 individuals that qualify with a potential to catch 15,300 pounds annually.

Table 2. North of Point Año Nuevo or North-Central Coast Region Nearshore Fishery Permit Qualifying Criteria Options.

Number of potential participants: 95

Potential catch of the 95 participants, based on average annual landings: 130,400 pounds

Estimated commercial allotment for the North Coast Region: 33,000 pounds.

Capacity goal range: 3 - 14 permits

All options include at least one landing in 2000 or 2001.

Average price per pound	Years with 100 nearshore pounds landed, 1994 - 1999				Years with 250 nearshore pounds landed, 1994 - 1999			Years with 500 nearshore pounds landed, 1994 - 1999		
	0	1	2	3	1	2	3	1	2	3
\$0.00	73	64	47	24	52	32	22	44	27	18
	91,700	91,400	84,600	63,400	90,000	76,200	62,600	87,700	73,000	57,800
\$1.50	58	52	39	22	43	29	21	37	26	17
	85,000	84,700	77,600	62,200	83,600	73,900	61,900	82,000	72,300	57,100
\$2.00	50	46	36	21	40	27	20	35	24	16
	81,000	81,000	74,200	60,000	80,000	70,700	59,800	78,800	69,100	55,000
\$2.50	44	42	34	20	36	25	19	31	23	15
	74,400	74,300	71,000	57,800	73,500	67,500	57,600	72,200	66,900	52,800

Additional options for North-Central Coast Region qualifying criteria are on the next page.

Table 2a. Additional North of Point Año Nuevo or North-Central Coast Region Nearshore Fishery Permit Qualifying Criteria Options.

All options include at least one nearshore landing in 2000 or 2001.

Average price per pound	One year with 100 nearshore pounds landed AND a number of years of participation						One year with 500 nearshore pounds landed AND a number of years of participation					
	1	2	3	4	5	6	1	2	3	4	5	6
\$0.00	64	52	35	20	9	7	44	39	28	17	8	6
	91,400	83,300	68,600	38,700	17,600	15,100	87,700	81,400	67,500	38,200	17,500	15,000
\$1.50	52	43	31	18	7	6	37	33	24	15	6	5
	84,700	78,000	66,200	37,600	16,400	14,400	82,200	76,700	65,100	37,000	16,300	14,300
\$2.00	46	38	27	17	7	6	35	31	23	14	6	5
	81,000	74,500	63,800	35,400	16,400	14,400	78,800	73,200	62,900	34,800	16,300	14,300
\$2.50	42	36	26	16	6	5	31	29	22	13	5	4
	74,400	71,400	61,600	33,200	14,200	12,200	72,200	70,000	60,700	32,600	14,100	12,100

Table 3. South of Point Año Nuevo or South-Central Coast Region Nearshore Fishery Permit Qualifying Criteria Options.

Number of potential participants: 95

Potential catch of the 95 participants, based on average annual landings: 130,400 pounds

Estimated commercial allotment for the South-Central Coast Region: 33,000 pounds.

Capacity goal range: 3 - 14 permits

All options include at least one nearshore landing in 2000 or 2001.

Average price per pound	Years with 100 nearshore pounds landed, 1994 - 1999				Years with 500 nearshore pounds landed, 1994 - 1999			Years with 1,000 nearshore pounds landed, 1994 - 1999		
	0	1	2	3	1	2	3	1	2	3
\$0.00	139	132	107	82	105	79	63	90	67	52
	279,400	279,000	263,900	235,000	274,400	253,600	214,100	268,000	242,900	202,000
\$1.50	122	119	101	79	100	78	62	88	64	51
	273,800	273,600	260,300	232,500	270,000	251,600	212,100	264,800	240,100	199,900
\$2.00	117	114	96	75	96	76	60	83	62	49
	269,900	269,800	256,400	228,900	266,400	248,700	209,100	261,200	237,200	197,000
\$2.50	107	106	89	71	90	72	58	79	59	47
	261,000	261,000	248,000	221,000	258,000	240,800	202,900	253,400	230,100	190,800
\$3.00	97	96	80	65	82	66	53	72	54	43
	245,900	245,900	236,300	211,600	243,200	229,600	192,200	238,800	219,400	181,200

Additional options for South-Central Coast Region qualifying criteria are on the next page.

Table 3a. Additional South of Point Año Nuevo or South-Central Coast Region Nearshore Fishery Permit Qualifying Criteria Options.

All options include at least one nearshore landing in 2000 or 2001.

Average price per pound	One year with 500 nearshore pounds landed AND a number of years of nearshore participation						One year with 1,000 nearshore pounds landed AND a number of years of nearshore participation					
	1	2	3	4	5	6	1	2	3	4	5	6
\$0.00	105	100	85	71	63	37	90	88	78	67	60	35
	274,400	267,000	247,500	211,300	193,900	133,900	268,000	262,500	245,500	210,300	197,200	133,300
\$1.50	100	95	83	70	62	36	88	85	77	66	59	34
	270,000	262,600	245,000	209,300	196,000	131,900	264,800	259,300	243,500	208,300	195,200	131,300
\$2.00	96	91	79	66	58	35	83	81	73	62	55	33
	266,400	259,000	240,300	205,700	192,500	130,300	261,200	255,700	239,900	204,700	191,600	129,700
\$2.50	90	85	74	62	56	33	79	77	69	59	53	31
	258,000	250,600	233,400	193,500	186,300	124,100	253,400	247,900	232,100	197,600	185,400	123,500
\$3.00	82	78	67	55	50	30	72	71	63	53	48	28
	243,200	239,200	221,900	187,000	175,300	116,500	238,800	236,700	220,900	186,400	174,700	115,800

Table 4. South Coast Region Nearshore Fishery Permit Qualifying Criteria Options.

Does not include Finfish Trap Permittees, see Table 5.

Number of potential participants: 154

Potential catch of the 154 participants, based on average annual landings: 142,100 pounds

Estimated commercial allotment for the South Coast Region: 43,000 pounds.

Capacity goal range: 2 - 23 permits

All options include at least one nearshore landing in 2000 or 2001.

Average price per pound	Years with 100 nearshore pounds landed, 1994 - 1999				Years with 250 nearshore pounds landed, 1994 - 1999			Years with 500 nearshore pounds landed, 1994 - 1999		
	0	1	2	3	1	2	3	1	2	3
\$0.00	111 122,700	92 122,000	67 105,400	48 93,600	74 119,900	48 100,200	33 82,500	58 115,900	35 95,500	26 79,400
\$1.50	77 106,500	65 106,100	51 99,300	37 89,700	55 104,800	38 95,500	28 79,700	48 103,200	32 92,900	24 77,600
\$2.00	58 88,900	49 88,600	37 89,100	29 77,400	42 87,500	30 80,100	21 67,400	38 86,600	24 77,600	18 65,600
\$2.50	38 55,900	32 55,600	26 53,100	19 48,500	28 55,000	22 52,200	14 40,300	26 54,800	16 49,700	11 38,900
\$3.00	28 38,000	24 37,800	18 35,400	13 32,500	21 37,300	15 34,600	8 24,300	19 36,800	11 32,700	7 23,500

Additional options for South Coast Region qualifying criteria are on the next page.

Table 4a. Additional South Coast Region Qualifying Criteria Options.  
Does not include Finfish Trap Permittees, see Table 5a.  
All options include at least one nearshore landing in 2000 or 2001.

Average price per pound	One year with 100 nearshore pounds landed AND a number of years of nearshore participation						One year with 500 nearshore pounds landed AND a number of years of nearshore participation					
	1	2	3	4	5	6	1	2	3	4	5	6
\$0.00	92	78	64	48	32	18	58	53	45	33	21	11
	122,000	107,400	100,500	74,100	52,400	41,100	115,900	103,600	97,100	70,900	50,800	40,100
\$1.50	65	56	46	34	22	13	48	44	38	28	17	9
	106,100	100,300	94,400	69,900	49,100	40,100	103,200	98,500	93,300	68,200	48,600	39,700
\$2.00	49	40	33	24	14	7	38	34	30	21	12	6
	88,600	82,800	78,400	57,400	38,900	33,800	86,600	81,800	77,900	56,900	38,700	33,700
\$2.50	32	27	23	16	10	4	26	24	21	14	9	4
	55,600	53,400	49,600	30,100	22,600	18,800	54,500	52,800	49,300	29,800	22,500	18,800
\$3.00	24	19	16	11	6	2	19	17	15	10	6	2
	37,800	35,700	33,500	25,200	18,800	15,400	36,800	35,200	33,300	25,000	16,900	15,400

Table 5. South Coast Region Nearshore Fishery Permit with Trap Gear Endorsement Qualifying Criteria Options.  
Only current Finfish Trap Permittees are eligible.

Number of potential participants: 115

Potential catch of the 115 participants, based on average annual landings: 208,400 pounds

Estimated commercial allotment for the South Coast Region: 81,400 pounds.

Capacity goal range: 23- 22 permits

All options include at least one nearshore landing in 2000 or 2001.

Average price per pound	Years with 100 nearshore pounds landed, 1994 - 1999				Years with 500 nearshore pounds landed, 1994 - 1999			Years with 1,000 nearshore pounds landed, 1994 - 1999		
	0	1	2	3	1	2	3	1	2	3
\$0.00	104 202,700	97 202,200	87 199,500	70 194,100	76 199,100	54 188,600	42 179,100	62 194,800	45 183,200	30 161,900
\$1.50	85 194,400	81 194,200	76 192,400	66 189,800	67 192,500	51 184,500	40 175,300	57 188,700	43 179,400	29 159,100
\$2.00	80 191,900	76 191,600	71 189,900	63 187,600	63 189,600	48 182,300	39 173,900	55 186,900	42 178,100	28 157,800
\$2.50	67 176,600	63 176,400	61 176,200	54 174,000	52 174,600	43 170,700	37 164,200	47 172,900	39 167,600	26 148,100
\$3.00	38 109,900	35 109,700	35 109,600	30 108,300	31 109,200	27 107,600	27 104,100	27 107,800	23 104,500	16 91,300

Additional options for South Coast Region with trap gear endorsement qualifying criteria are on the next page.



Table 5a. Additional South Coast Region Nearshore Fishery Permit with Trap Gear Endorsement Qualifying Criteria Options.

Only current Finfish Trap Permittees are eligible.

All options include at least one nearshore landing in 2000 or 2001.

Average price per pound	One year with 100 nearshore pounds landed AND a number of years of nearshore participation						One year with 500 nearshore pounds landed AND a number of years of nearshore participation					
	1	2	3	4	5	6	1	2	3	4	5	6
\$0.00	76 199,100	75 197,800	73 196,800	68 193,500	47 145,100	24 99,300	62 194,800	61 193,500	60 192,800	58 190,300	40 142,800	21 96,500
\$1.50	67 192,000	66 190,700	66 190,700	64 189,000	45 143,700	24 99,300	57 188,700	56 187,500	56 187,500	55 186,200	39 141,800	21 96,500
\$2.00	63 189,600	62 188,300	62 188,300	60 186,600	42 141,500	24 99,300	55 186,900	54 185,600	54 185,600	53 184,300	37 139,900	21 96,500
\$2.50	52 174,600	52 174,600	52 174,600	51 173,300	37 130,400	22 96,400	47 172,900	47 172,900	47 172,900	46 171,600	33 129,000	19 95,200
\$3.00	31 109,200	31 109,200	31 109,200	31 109,200	21 80,000	13 62,500	27 107,800	27 107,800	27 107,800	27 107,800	18 78,800	11 61,600

Additional options for South Coast Region with trap gear endorsement qualifying criteria are on the next page.

Table 5b. Additional South Coast Region Nearshore Fishery Permit with Trap Gear Endorsement Qualifying Criteria Options.

Only current Finfish Trap Permittees are eligible.

All options include at least one nearshore landing in 2000 or 2001.

Average price per pound	Number of years of nearshore participation					
	1	2	3	4	5	6
\$0.00	104	100	94	81	55	28
	202,700	201,100	199,500	195,200	146,000	99,800
\$1.50	85	83	81	75	52	28
	194,400	193,100	192,600	190,500	144,600	99,800
\$2.00	80	78	76	71	49	28
	191,900	190,500	190,000	188,100	142,400	99,800
\$2.50	67	66	64	61	43	26
	176,600	176,500	176,100	174,600	131,100	96,600
\$3.00	38	37	36	35	24	15
	109,900	109,800	109,600	109,500	80,200	62,700